

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

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| WALTER W. THIEMANN, <i>et al.</i>, |) | Case No. C-1-00-793 |
| |) | |
| Plaintiffs, |) | (Judge Sandra S. Beckwith) |
| |) | (Magistrate Judge Timothy S. Hogan) |
| -v- |) | |
| |) | |
| OHSL FINANCIAL CORPORATION, |) | |
| <i>et al.</i>, |) | |
| |) | |
| Defendants. |) | |
| |) | |

**DEFENDANT PROVIDENT FINANCIAL GROUP, INC.'S RULE 56(F) MOTION FOR
ADDITIONAL TIME TO RETAIN AN EXPERT AND SUBMIT EXPERT TESTIMONY**

Plaintiffs have filed a motion for partial summary judgment on certain liability issues under Section 11 of the 1933 Act. Defendant Provident Financial Group, Inc. ("Provident") has filed a memorandum in opposition to that motion and believes the Court should deny Plaintiffs' motion for the reasons stated in that opposition.

Nevertheless, to the extent this Court does not deny Plaintiffs' motion for the reasons stated in Provident's opposition, Provident separately moves this Court, under Fed. R. Civ. Proc. 56(f), for additional time to retain an expert who can present testimony on the issue of the materiality of the Restatements. Provident explains the grounds for the Rule 56(f) motion in the attached affidavit of James Whitaker.

Respectfully submitted,

/s/ John B. Pinney

John B. Pinney

J. Michael Debbeler

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing DEFENDANT PROVIDENT FINANCIAL GROUP, INC.'S RULE 56(F) MOTION FOR ADDITIONAL TIME TO RETAIN AN EXPERT AND SUBMIT EXPERT TESTIMONY was served upon the following, by ordinary U.S. mail, this 12th day of February, 2004.

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